

Amendments to the Drawings

The attached replacement sheets of drawings includes changes to Figs. 1-5 and replace the original sheets including Figs. 1-5.

In Figures 1-5, the clarity of the lines and text are improved. In addition, Figure 3 is relabeled as Fig. 3.1 and Fig. 3.2.

Attachments following last page of this Amendment:

Replacement Sheets (8 pages)

Annotated Sheet Showing Change(s) (2 pages)

REMARKS

Claims 1-15 stand rejected. Claim 1 is amended herein to recite a method for treatment of allergy by hyposensitization, comprising administering a conjugate of hydroxyalkylstarch and an allergen to an allergy sufferer, wherein at least one hydroxyalkylstarch is covalently coupled to the allergen. Claims 2-15 are amended for consistency with claim 1. In addition, claims 4 and 15 are amended to recite that the hydroxyalkylstarch is hydroxyethylstarch, claim 5 is amended to recite that the hydroxyalkylstarch is hydroxyethylstarch, claim 6 is amended to include proper Markush language, claim 8 is amended to depend from claim 6 and to remove the recitation that the hydroxyalkylstarch is coupled to one or more of the saccharide chains of the glycoprotein, claim 9 is amended to recite that the allergy sufferer is a subject in whom an IgE-mediated sensitization is detected or whose clinical symptoms have been observed, and claim 10 is amended to depend from claim 11 and to recite that the hyposensitization is employed for therapy of allergies to pollen, mites, mammalian hair, mammalian saliva, fungi, insects, foods, natural rubber, or natural latex. Further, the terms "immunotherapy" and "therapy" in claims 11, 13, and 14 are replaced with the term "hyposensitization." In addition, new claim 16 is added herein. Claim 16 corresponds to previous claim 8, but depends from claim 7 rather than claim 6.

Support for these amendments can be found in Applicants' specification at, for example, page 1, lines 31-33 and page 15, lines 1-7, as well as in original claims 1, 9, 11, and 12 of corresponding PCT application no. PCT/EP03/09750. Thus, no new matter has been added.

In light of these amendments and the following remarks, Applicants respectfully request reconsideration and allowance of claims 1-16.

Specification

The Examiner objected to the specification, asserting that a description of the drawings is missing. Applicants have amended page 5 of the specification to include a Brief Description of the Drawings. In light of this amendment, Applicants respectfully request withdrawal of the objection to the specification.

Drawings

The Examiner objected to the drawings, asserting that the reference "Figure 3" was used to designate both "NH₂ and CHI/COOH coupling reactions" and "SH coupling reactions." Applicants submit replacement drawings herewith, in which the occurrences of "Fig. 3" are replaced with "Fig. 3.1" and "Fig. 3.2." In light of this amendment, Applicants respectfully request withdrawal of the objection to the drawings.

Rejections under 35 U.S.C. § 112

The Examiner rejected claims 1-15 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The Examiner stated the following: (1) claims 1-15 do not set forth any method or process steps; (2) the phrases "the polypeptide chain" and "the saccharide chains" in claim 8 lack clear antecedent basis from claim 1; (3) the phrase "the specific immunotherapy" in claim 10 lacks clear antecedent basis; (4) the phrase "the therapy" in claim 11 lacks clear antecedent basis; (5) the metes and bounds of the phrase "other types of clinically relevant reactions to immediate-type allergens" in claim 11 cannot be determined; (6) the term "administration" in claim 12 lacks clear antecedent basis, and it is not clear to whom the administration occurs; and (7) the phrase "where the immunotherapy" in claims 13 and 14 lacks clear antecedent basis.

Applicants have amended the claims to recite methods that comprise administering a conjugate of hydroxyalkylstarch and an allergen to an allergy sufferer, as described above. Thus, with respect to (1), the present claims recite a positive step. With respect to (2), claim 8 is amended herein to depend from claim 6, which provides clear antecedent basis for the phrase "the polypeptide chain." In addition, the recitation that the hydroxyalkylstarch is coupled to one or more of the saccharide chains of the glycoprotein has been removed from claim 8. With respect to (3), (4), and (7), claims 10, 11, 13, and 14 are amended to include the phrase "the hyposensitization," which has clear antecedent basis in claim 1. With respect to (6), claim 12 is amended to recite "said administration to said allergy sufferer," which has also clear antecedent basis in present claim 1, and which recites to whom the substance is administered. Given the above, the present claims are definite.

With respect to (5), Applicants respectfully direct the Examiner's attention to the specification at page 1, lines 16-33, and page 15, lines 9-14, where the phrase "patients with other types of clinically relevant reactions to immediate-type allergens" is clearly disclosed to include, for example, people allergic to pollen, mites, mammalian hair, saliva, fungi, insects, foods, and natural rubber/latex. Thus, a person of skill in the art, reading Applicants' specification as of its priority date, would have understood the metes and bounds of claim 11.

For at least the reasons provided herein, the present claims are clear and definite. As such, Applicants respectfully request withdrawal of the rejection of claims 1-15 under 35 U.S.C. § 112, second paragraph.

Rejections under 35 U.S.C. § 101

The Examiner rejected claims under 35 U.S.C. § 101, asserting that the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process. The claims are amended herein to recite a method for treatment of allergy by hyposensitization. As such, the claims are proper process claims, and Applicants respectfully request withdrawal of the rejection of claims 1-15 under 35 U.S.C. § 101.

Information Disclosure Statements

Applicants note that in addition to the Information Disclosure Statement (IDS) filed herewith, IDSs also were filed on December 21, 2006, June 26, 2007, September 26, 2007, and April 24, 2008. Applicants respectfully request that the Examiner review the references listed on the Form PTO-1449 that accompanied each IDS, and return an initialed copy of each Form PTO-1449 to the undersigned agent.

CONCLUSION

Applicants submit that claims 1-16 are in condition for allowance, which action is respectfully requested. The Examiner is invited to telephone the undersigned agent if such would further prosecution.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: August 4, 2008/

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